

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JEFFREY L. HOLT JR.,

Plaintiff,

vs.

CITY OF LINCOLN, NEBRASKA, AYARS
AND AYARS, INC., DREW CROMWELL,
individual being sued in their individual
capacity; JOSHUA GOSSARD, individual being
sued in their individual capacity; MEGAN
NELSON, individual being sued in their
individual capacity; NOLAN HAUSER,
individual being sued in their individual
capacity; ANDREW RIPLEY, individual being
sued in their individual capacity; RANDALL
CLARK, individual being sued in their
individual capacity; JAYDN FOSTER,
individual being sued in their individual
capacity; and TREVOR SCHMIDT, individual
being sued in their individual capacity;

Defendants.

4:23CV3239

MEMORANDUM AND ORDER

This matter is before the Court on the Magistrate Judge's Findings and Recommendation ([Filing No. 41](#)) that the claims against Defendant Drew Cromwell be dismissed for failure of service and want of prosecution. *See* [Fed. R. Civ. P. 4\(m\)](#). There are no objections to the Findings and Recommendation.

[28 U.S.C. § 636\(b\)\(1\)](#) provides for de novo review only when a party objected to the magistrate judge's findings or recommendations. *See* [Peretz v. United States, 501 U.S. 923, 939 \(1991\)](#). Failure to object to a finding of fact in a magistrate judge's recommendation may be construed

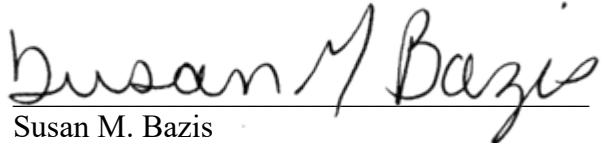
as a waiver of the right to object to the district judge's order adopting the recommendation of the finding of fact. NECivR [72.2\(f\)](#). Plaintiff was expressly advised that “failing to file an objection to this recommendation as provided in the local rules of this Court may be held to be a waiver of any right to appeal the Court’s adoption of the recommendation.” ([Filing No. 41 at 2.](#)) And the failure to file an objection eliminates not only the need for de novo review, but *any* review by the Court. [Thomas v. Arn](#), 474 U.S. 140, 149-51 (1985); [United States v. Wise](#), 588 F.3d 531, 537 n.5 (8th Cir. 2009); *see* [Daley v. Marriott Int’l, Inc.](#), 415 F.3d 889, 893 (8th Cir. 2005). Accordingly,

IT IS ORDERED:

1. The Magistrate Judge's Findings and Recommendation ([Filing No. 41](#)) are adopted.
2. The claims against Defendant Drew Cromwell are dismissed without prejudice.

Dated this 24th day of July, 2024.

BY THE COURT:


Susan M. Bazis
United States District Judge